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Advancement of women

Status of the Convention on the Elimination of All Forms of Discrimination against Women

Report of the Secretary-General

Summary

The present report is submitted in compliance with General Assembly resolution 66/131 on the Convention on the Elimination of All Forms of Discrimination against Women, in which the Assembly requested the Secretary-General to submit to it at its sixty-eighth session a report on the status of the Convention and the implementation of the resolution. It covers the period from 2 July 2011 to 1 July 2013.

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I. Status of the Convention on the Elimination of All Forms of Discrimination against Women

1. The Convention on the Elimination of All Forms of Discrimination against Women was adopted by the General Assembly in its resolution 34/180. It was opened for signature, subject to ratification and for accession at United Nations Headquarters on 1 March 1980 and, in accordance with article 27 of the Convention, entered into force on 3 September 1981.

2. As at 1 July 2013, 187 States had ratified, acceded to or succeeded to the Convention, which reflects no change since the previous report (A/66/99). The list of States parties to the Convention and the dates of deposit of their instruments of ratification, accession or succession to the Convention are available from the website of the Treaty Section of the Office of Legal Affairs (http://treaties.un.org), along with all declarations, reservations, objections and other relevant information.

3. As at 1 July 2013, 68 States parties had deposited with the Secretary-General instruments of acceptance of the amendment to article 20, paragraph 1, of the Convention, which relates to the meeting time of the Committee. The five countries accepting the amendment since the submission of the previous report were Bosnia and Herzegovina, the Czech Republic, Ecuador, Greece and the Republic of Moldova. The list of States that have accepted the amendment to article 20 of the Convention and the dates of deposit of their instruments of acceptance are available on the website of the Treaty Section.

4. During the reporting period, no objections to reservations were received, and Thailand withdrew its reservation to article 16 (C.N.381.2012). The above depositary notification is available from the website of the Office of Legal Affairs for reference.

II. Status of the Optional Protocol to the Convention

5. By its resolution 54/4, the General Assembly adopted the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. The Optional Protocol was opened for signature, subject to ratification and accession at United Nations Headquarters on 10 December 1999 and, in accordance with article 16, paragraph 1, entered into force on 22 December 2000.

6. As at 1 July 2013, 104 States parties had ratified, acceded to or succeeded to the Optional Protocol. This represents an increase of two States parties since the submission of the previous report. Those two States parties are: Cape Verde, on 10 October 2011; and Côte d'Ivoire, on 20 January 2012. The list of States parties to the Optional Protocol, the dates of deposit of their instruments of ratification, accession or succession, and all declarations, reservations and other relevant information are also available from the website of the Treaty Section.

III. Committee on the Elimination of Discrimination against Women

A. Substantive and technical servicing

7. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has responsibility for supporting the work of the Committee on the Elimination of Discrimination against Women. The Committee is serviced by the secretariat of the Committee, which comprises the Secretary (P-4), four Human Rights Officers (P-3), one Junior Professional Officer (JPO) and one Assistant (General Service).

8. The United Nations High Commissioner for Human Rights has ensured that the strong links between the Committee and the intergovernmental machinery responsible for the promotion of gender equality continue to be maintained. The Chair of the Committee participated in the fifty-sixth and fifty-seventh sessions of the Commission on the Status of Women, in 2012 and 2013. The Chair also addressed the Third Committee of the General Assembly at its sixty-sixth and sixty-seventh sessions. The Committee's interaction with the United Nations human rights machinery is extremely important for its overall activities, and the Committee benefits greatly from the cooperation of the relevant stakeholders to effectively discharge its mandate.

9. The Committee has taken a consistent interest in the question of the reform of the United Nations gender equality architecture. It regularly discusses issues of common concern with the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women). The Chair of the Committee met with the Under-Secretary-General/Executive Director of UN-Women on 4 March 2013 to discuss ways of further strengthening the cooperation between the two entities. The Committee is currently collaborating with UN-Women on several of its draft general recommendations, and UN-Women regularly invites experts from the Committee to participate in expert group meetings and side events convened in conjunction with intergovernmental processes.

10. The Committee has continued to interact with the United Nations High Commissioner for Human Rights, the Deputy High Commissioner and other senior staff, and has welcomed opportunities for discussion with relevant divisions, branches and sections on issues relevant to the work of the Committee.

11. The Committee meets regularly with special procedures mandate holders, including, during the reporting period, the Chair and another member of the Working Group on Discrimination against Women in Law and Practice and the Special Rapporteur on extreme poverty and human rights.

12. On 18 October 2012, the Committee commemorated its thirtieth anniversary. The event, organized by OHCHR and the International Organization of la Francophonie and attended by more than 130 representatives from States, United Nations entities and civil society organizations, provided an opportunity for the Committee to interact with speakers, including the Special Representative of the Secretary-General on Sexual Violence in Conflict, the Special Rapporteur on the human rights of internally displaced persons, and the independent expert on the

situation of human rights in Haiti. The panels focused on the human rights of women in conflict and post-conflict situations in French-speaking Africa.

13. The Committee continued to contribute actively to the work of the human rights treaty bodies, especially within the framework of the annual meetings of chairs of treaty bodies. The Chair participated in the twenty-fourth and twenty-fifth meetings of chairs of human rights treaty bodies, which were convened from 25 to 29 June 2012 and from 20 to 24 May 2013 in Addis Ababa and New York, respectively. During the twenty-fourth meeting of chairs of human rights treaty bodies, the Chair of the Committee participated in a dialogue with representatives of African human rights mechanisms, including the African Commission on Human and Peoples' Rights, the African Court on Human and Peoples' Rights, the African Committee of Experts on the Rights and Welfare of the Child, the African Peer Review Mechanism, the East African Court of Justice and the Court of Justice of the Economic Community of West African States. During the twenty-fifth meeting of chairs, the Chair of the Committee actively engaged in the adoption of a joint statement on the post-2015 development agenda and in discussions with Member States, including regional groups, on the strengthening of the treaty body system.

14. Committee members participated in panel discussions held during sessions of the Human Rights Council, and one member participated in a day of general discussion of the Committee on the Rights of Persons with Disabilities. The Committee's working group on the joint general comment/recommendation on harmful practices met with the respective working group of the Committee on the Rights of the Child to discuss the draft joint general comment/recommendation on harmful practices. Committee members also participated in various panel discussions organized by other stakeholders.

15. During the reporting period, the Committee held two general discussions, one on women in conflict and post-conflict situations, on 18 July 2011, and the other on women and access to justice, on 18 February 2013. Both general discussions were organized as the first phase in the elaboration of general recommendations. The general discussion on women in conflict and post-conflict situations was attended by close to 300 persons and included as speakers the Assistant Secretary-General for Human Rights, OHCHR; the Assistant Secretary-General for Intergovernmental Support and Strategic Partnerships, UN-Women; the Special Representative of the Secretary-General on Sexual Violence in Conflict; the Special Representative of the Secretary-General for Children and Armed Conflict; the Special Rapporteur on violence against women, its causes and consequences; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Coordinator of the High-level Panel on Remedies and Reparations for Victims of Sexual Violence in the Democratic Republic of the Congo. The general discussion on women and access to justice, organized under the joint OHCHR/UN-Women/United Nations Development Programme (UNDP) programme on access to justice, included as speakers the Vice-Chair of the working group on discrimination against women in law and practice, the Special Rapporteur on extreme poverty and human rights, the Vice-Chair of the working group on arbitrary detention, and the Secretary-General of the International Commission of Jurists.

16. With a view to further enhancing and harmonizing its working methods with other treaty bodies, the Committee decided to transform its task force on working methods into a working group. The Committee met with the Human Rights

Committee to discuss working methods, including the list of issues prior to reporting procedure applied by the Human Rights Committee, as well as follow-up to concluding observations. It decided to establish a joint working group with the Human Rights Committee for future cooperation. The Committee continued to discuss the proposals contained in the report of the United Nations High Commissioner for Human Rights on the strengthening of the human rights treaty bodies (A/66/860) and adopted a statement welcoming the efforts of the High Commissioner to overcome the difficulties the treaty body system is facing. It also decided to incorporate in its rules of procedure the guidelines on independence and impartiality of human rights treaty body members endorsed at the twenty-fourth meeting of the chairs of the human rights treaty bodies, held in Addis Ababa in June 2012 ("the Addis Ababa guidelines"; see A/67/222, annex I).

B. Evaluation by the Committee

17. As at 1 July 2013, there are 15 States parties with long-overdue reports (more than 5 years overdue). Two of the States parties that have not yet submitted their long-overdue reports, Saint Vincent and the Grenadines and Senegal, have been scheduled to be considered by the Committee in the absence of their reports. Four States parties that have not yet submitted their long-overdue reports, Antigua and Barbuda, Barbados, Saint Kitts and Nevis, and Trinidad and Tobago, were asked to submit them by a certain date in 2014 or 2015, failing which they would also be scheduled to be considered in the absence of a report. The Committee also continues to send reminders to States parties with overdue reports. It continues to schedule the reports of 24 States parties for review each year and has scheduled 32 States parties to be considered at its fifty-sixth session (September/October 2013), fifty-seventh session (February 2014), fifty-eighth session (June/July 2014) and fifty-ninth session (October 2014). Nine reports have not yet been formally scheduled. The Committee is aware that it has a slight backlog and is discussing ways to address it. The consideration of combined reports assists greatly in keeping the backlog in check. Most reports submitted consist of combined reports.

18. The Committee is gratified that it continues to attract a wide following within the United Nations system and civil society, including national human rights institutions and non-governmental organizations, and that it has been able to interact with the wider human rights framework, including the Human Rights Council, the special procedures mandate holders and other treaty bodies. Its transfer to OHCHR and the holding of sessions in Geneva have enabled the Committee to interact regularly with the High Commissioner for Human Rights and to develop close relationships with Geneva-based United Nations entities and other bodies, such as IPU.

19. The Committee considers that it has made strong efforts to harmonize its practices with those of other treaty bodies. It was one of the first treaty bodies to limit the number of questions in lists of issues and the number of recommendations in concluding observations and to align the methodology for its constructive dialogue with States parties by using country task forces and rapporteurs, focusing questions during the dialogue on the most important human rights issues and on a State party's follow-up to the previous concluding observations and allocating equitable speaking time to treaty body members and to the State party delegation. The Committee also

considers that its follow-up procedure, which is based on that of other treaty bodies, has strengthened implementation at the national level.

Fulfilment by States parties of reporting obligations

20. Article 18, paragraph 1, of the Convention provides that States parties undertake to submit reports on the implementation of the Convention within one year after its entry into force for the State concerned and thereafter at least every four years and further whenever the Committee so requests.

21. Between 2 July 2011 and 1 July 2013, the Secretary-General received the reports (many of which are combined reports) from the following States parties: Afghanistan, Azerbaijan, Bahamas, Bahrain, Belgium, Brunei Darussalam, Cameroon, Central African Republic, China, Colombia, Comoros, Denmark, Ecuador, Eritrea, Finland, Gabon, Gambia, Georgia, Ghana, Guinea, India, Iraq, Kazakhstan, Kyrgyzstan, Maldives, Mauritania, Peru, Poland, Qatar, Republic of Moldova, Seychelles, Sierra Leone, Solomon Islands, Swaziland, Syrian Arab Republic, Tajikistan, Tuvalu, Venezuela (Bolivarian Republic of) and Viet Nam.

22. During the reporting period, the Committee held the following six sessions: forty-ninth session, from 11 to 29 July 2011; fiftieth session, from 3 to 21 October 2011; fifty-first session, from 13 February to 2 March 2012; fifty-second session, from 9 to 27 July 2012; fifty-third session, from 1 to 19 October 2012; and fifty-fourth session, from 11 February to 1 March 2013. During those sessions, the Committee considered the reports of 43 States parties. The fifty-fifth session will be held from 8 to 26 July 2013, at which an additional eight reports will be considered by the Committee.

Reports awaiting consideration, overdue reports and requests for follow-up reports

23. A total of 48 reports submitted by States parties have yet to be considered by the Committee, 38 of which have been scheduled to be considered at upcoming sessions of the Committee through the end of 2014. Ten reports received have not yet been formally scheduled.

24. In the light of the reduced backlog of reports awaiting consideration, the Committee initiated a systematic effort to encourage States parties to submit long-overdue reports. On the basis of its decisions 29/I and 31/III (i), it established that it would proceed with consideration of the implementation of the Convention in the absence of a report only as a last resort and in the presence of a delegation. The Committee continued its practice of inviting States parties with long-overdue reports to submit all their overdue reports as a combined report.

25. Currently, the following States parties have not yet submitted their initial reports: Dominica, Kiribati, Marshall Islands, Micronesia (Federated States of), Monaco, San Marino and Sao Tome and Principe.

26. Reports that were due in June 2008 or before include: Antigua and Barbuda, Barbados, Democratic People's Republic of Korea, Ireland, Kiribati, Marshall Islands, Micronesia (Federated States of), Monaco, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Sao Tome and Principe, Senegal, and Trinidad and Tobago.

27. Reports that were due between July 2008 and June 2013 include those for: Croatia, Estonia, Honduras, Latvia, Malaysia, Mali, Mozambique, Niger, Philippines, Romania and Vanuatu.

C. Working methods of the Committee

28. Taking into account that the General Assembly is striving to limit the length of documentation, the Committee's report no longer includes the concluding observations on the reports of States parties or the decisions on communications; those are published as separate documents and are posted on the OHCHR website.

29. The Committee has continued to convene its pre-session working group two sessions in advance of the consideration of a report to ensure that States parties have enough time to respond to their respective lists of issues and questions

30. The Committee, in the last paragraph of its concluding observations, establishes the due date for the State party's next periodic report. In cases where the next periodic report is overdue or becomes due within a year of the date of consideration, the Committee requests the State party to submit its next report as a combined periodic report. Most reports considered by the Committee are now combined reports.

31. During the reporting period, the Committee focused on ensuring that the concluding observations on the reports of States parties were more user-friendly, concrete and precise, so that they could be implemented more easily at the national level. It should be recalled that at its forty-first session, the Committee decided to adopt the practice of inserting titles (subject headings) in its concluding observations, and agreed on a list of titles which would be applied flexibly and as appropriate for the State party concerned (A/63/38, part two, annex X). At its fifty-fourth session, the Committee decided to shorten and merge several standard paragraphs contained in its concluding observations.

32. At its forty-first session, the Committee decided to introduce a follow-up procedure whereby it would include a request to individual States parties in the concluding observations for information on steps taken to implement specific recommendations. At its forty-fourth session, the Committee decided to appoint a rapporteur on follow-up to concluding observations and an alternate. It is noted that a maximum of two recommendations are identified for follow-up. The criteria for the selection of follow-up recommendations are that the concerns addressed in those recommendations constitute a major obstacle to women's enjoyment of their rights and thus to the implementation of the Convention as a whole and that their implementation would be feasible within the suggested time frame. The follow-up report is also made public and is available on the website of OHCHR. The follow-up rapporteur collaborates with the country rapporteur on the assessment of the follow-up report. The rapporteur reports to the Committee at each session, and that report is included in the Committee's report to the General Assembly. At its forty-seventh session, the Committee decided to include follow-up to concluding observations as a standing item on the agenda. At its fiftieth session, the Committee appointed a new rapporteur on follow-up as well as an alternate, each for a two-year term. At its fifty-fourth session, the Committee updated its methodology on the follow-up procedure to concluding observations and adopted an information note on the

follow-up procedure for different stakeholders (see A/68/38, part three, annex III and appendix).

33. The Committee continued its interaction with the specialized agencies and other bodies of the United Nations system that contribute to its work and support the full implementation of the Convention at the national level. It continued to benefit from joint information submitted on States parties under consideration by United Nations country teams, and encouraged the entities of the United Nations system to undertake follow-up activities on the basis of the Committee's concluding observations at the country level.

34. The Committee continued its practice of meeting informally with non-governmental organizations and national human rights institutions wishing to present country-specific information on States parties whose reports were before it, at the beginning of the first and second weeks of the session. The Committee's pre-session working group also provided opportunities for non-governmental organizations and national human rights institutions to present written and oral information. General and session-specific information notes for non-governmental organizations and national human rights institutions are regularly posted on the OHCHR website.

35. The Committee continued to emphasize the important role of parliamentarians in the implementation of the Convention and the follow-up to concluding observations and includes a standard paragraph on the role of parliaments in each observation. IPU regularly submits information on the representation of women in the parliaments of the States parties under consideration and organizes regular capacity-building sessions for parliamentarians on the Convention and its Optional Protocol.

36. The Committee continued its practice of adopting statements on particular events or developments. Those include statements on the anniversaries of the adoption of the 1951 Convention relating to the Status of Refugees and the 1961 Convention on the Reduction of Statelessness and on rural women, adopted at its fiftieth session (A/67/38, part two, annexes I and II, respectively); statements on the need for a gender perspective in the text of the Arms Trade Treaty and on the situation in the Syrian Arab Republic, adopted at its fifty-second session (A/68/38, part one, annexes I and VII, respectively); statements on protection of the right of girls to education and on the situation of women and girls in northern Mali, adopted at its fifty-third session (A/68/38, part two, annexes I and II, respectively); and a statement on the report of the United Nations High Commissioner for Human Rights on the strengthening of the United Nations human rights treaty bodies, adopted at its fifty-fourth session (A/68/38, part three, annex VII).

37. The Committee adopted at its fifty-fourth session a general recommendation on article 16 of the Convention on the Elimination of All Forms of Discrimination against Women (Economic consequences of marriage, family relations and their dissolution) (ibid., annex I). The joint general comment/recommendation on harmful practices and the general recommendation on women in conflict prevention, conflict and post-conflict situations are in the process of being finalized. With respect to the general recommendation on access to justice, an outline and a first draft are currently being prepared. In relation to the general recommendation on asylum, statelessness and natural disasters, the Committee decided to separate the issue of asylum and statelessness from the issue of natural disasters and climate change and

to draft two individual general recommendations (see A/68/38, part one, annex V). A first draft of a general recommendation on gender-related dimensions of refugee status, asylum and statelessness has been prepared. The Committee also decided to elaborate general recommendations on rural women and on the right to education at its fiftieth and fifty-second sessions, respectively.

D. Working methods with regard to the Optional Protocol

38. During the reporting period, the Committee continued to carry out its activities under the Optional Protocol to the Convention. The Committee normally allocates one meeting per session to matters relating to the Optional Protocol for consideration in plenary meeting.

39. The Committee's Working Group on Communications under the Optional Protocol held six sessions during the reporting period. The Working Group on Communications convenes three times a year for a total of 10 working days. To date, the Working Group has registered 54 communications, 22 of which were registered during the reporting period. Out of the 54 communications, 23 remain open.

40. During the reporting period, the Committee adopted final decisions with regard to 13 communications. At its forty-ninth session, held in July 2011, the Committee discontinued its consideration of one communication concerning Italy at the author's request and adopted views on communications No. 17/2008, No. 20/2008 and No. 23/2009, finding violations in each case. At its fiftieth session, held in October 2011, the Committee adopted views on communication No. 22/2009, finding a violation, and declared communications No. 26/2010 and No. 27/2010 inadmissible. At its fifty-first session, held in February/March 2012, the Committee adopted views finding violations in relation to communications No. 19/2008 and No. 28/2008, and declared communication No. 25/2010 inadmissible. At its fifty-second session, held in July 2012, the Committee adopted views finding a violation in relation to communication No. 32/2011. At its fifty-third session, held in October 2012, the Committee adopted views on communication No. 31/2011, finding a violation, and declared communication No. 38/2012 inadmissible. The Committee did not consider any communications during its fifty-fourth session, held in February/March 2013. During the reporting period, the Committee and its Working Group on Communications continued to examine information, under its procedure on follow-up to views, in relation to nine views concerning seven States parties: Belarus, Brazil, Bulgaria, Canada, Peru, Philippines and Turkey. During the fifty-third session, the Chair of the Working Group on Communications and other Committee members discussed follow-up matters with representatives of the Permanent Mission of Peru to the United Nations Office at Geneva, including measures taken by the State party to give effect to the Committee's views on communication No. 22/2009. During the reporting period, four submissions under article 8 of the Optional Protocol requesting inquiries were received by the Committee and registered by the Secretariat pursuant to the Rules of Procedure of the Committee. There are currently two inquiries pending with the Committee.

IV. Efforts to encourage universal ratification of the Convention and its Optional Protocol, and acceptance of the amendment to article 20, paragraph 1, of the Convention

41. The United Nations High Commissioner for Human Rights and the Under-Secretary-General/Executive Director of UN-Women continue to encourage universal ratification of the Convention and the Optional Protocol and promote acceptance of the amendment to article 20, paragraph 1, of the Convention, which stipulates the meeting time allocated to the Committee. They have encouraged related action in their meetings with delegations, in statements and presentations at United Nations Headquarters, at other duty stations, and at conferences and other forums.

V. Technical assistance provided to States parties

42. Technical assistance and capacity-building activities of OHCHR routinely focus on the Convention, including with respect to the preparation of reports and follow-up to concluding observations, as well as the mechanisms established under the Optional Protocol. During the reporting period, UN-Women continued to organize training seminars on the Convention in a number of countries, which benefited from the contributions of experts of the Committee and involved not only Government officials but also other stakeholders such as non-governmental organizations. Capacity-building is considered to be vital to assist States parties in the implementation of their treaty obligations. OHCHR could do more in that regard but is prevented from doing so by budgetary constraints.

VI. Dissemination of the Convention, its Optional Protocol and information on the work of the Committee

43. OHCHR maintains a page on the Convention and its Optional Protocol and the work of the Committee on its website. The text of the Convention and its Optional Protocol, reports of States parties, lists of issues and questions, responses from States parties, States parties' introductory statements and the composition of delegations presenting reports, the Committee's concluding observations and documents and any other information concerning the Convention, its Optional Protocol, the working methods of the Committee and the meetings of States parties are posted on the website. The Universal Human Rights Index, the electronic research tool maintained by OHCHR that indexes concluding observations of human rights treaty bodies and recommendations of special procedures mandate holders, includes all lists of issues and concluding observations of the Committee.

VII. Conclusions and recommendations

44. The Committee has made significant efforts to reduce the delay between the submission of reports and their consideration, using efficient working methods, including time management, which it adjusts on the basis of experience. Its efforts to encourage States parties to comply with their reporting obligations, especially where reports are long overdue, have been successful. It has enhanced its interaction

with stakeholders in the implementation of the Convention and has actively contributed to the common efforts of all treaty bodies to harmonize and strengthen the human rights treaty body system, while adopting innovations appropriate to its work. The Committee has continued to develop its jurisprudence through its work under the Optional Protocol, and its follow-up procedure under this instrument has yielded positive results. It has adopted one general recommendation, and two draft general recommendations are nearing completion. The Committee organized two days of general discussion during the reporting period and has decided to elaborate additional general recommendations. A day of general discussion is being organized for one such general recommendation during the fifty-sixth session. The Committee has made its concluding observations more focused, relevant and user-friendly. Follow-up to concluding observations has been mostly successful, although additional resources are required on the part of the Committee and the States concerned. Despite the Committee's achievements, it must make greater efforts to encourage the implementation of the Convention at the national level.